

Banner & Witcoff Ref. No.

03659.00009

JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled LYOPHILIZABLE AND ENHANCED COMPACTED NUCLEIC ACIDS, the specification of which

- is attached hereto.
- was filed on May 31, 2001 as Application Serial Number 09/867,693 and was amended on _____ (if applicable).
- was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. _____, filed _____, and amended on _____ (if any).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119

Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)
60/287,419	1 May 2001	Yes
60/207,949	31 May 2000	Yes

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status X Patented, Pending, Abandoned

Banner & Witcoff Ref. No.

03659.00009

Power of Attorney

And I hereby appoint, both jointly and severally, as my attorneys, all Banner & Witcoff, Ltd. attorneys indicated therein under PTO Customer Number #22907, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office.

All correspondence and telephone communications should be addressed to:

Banner & Witcoff, Ltd.
Customer Number: 22907 (WDC)

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature	<i>Mark J. Cooper</i>	Date	<u>10/8/01</u>
Full Name of First Inventor	Cooper	Mark	J.
Residence	Moreland Hills, OH	Family Name	First Given Name
Post Office Address	8 Cableknoll Lane, Moreland Hills, Ohio 44022	Citizenship	U.S.A

Signature	<i>Pasumarthy</i>	Date	<u> </u>
Full Name of Second Inventor	Pasumarthy	Murali	K.
Residence	Twinsburg, OH	Family Name	First Given Name
Post Office Address	10085 Andover, Twinsburg, Ohio 44087	Citizenship	India

Signature	<i>Tomasz Kowalczyk</i>	Date	<u>10/9/01</u>
Full Name of Third Inventor	Kowalczyk	Tomasz	H.
Residence	University Heights, OH	Family Name	First Given Name
Post Office Address	2437 Eaton Road, University Heights, Ohio 44118	Citizenship	Poland

Signature	<i>Costello</i>	Date	<u> </u>
Full Name of Fourth Inventor	Costello	Maureen	
Residence	Beachwood, OH	Family Name	First Given Name
Post Office Address	26945 Amherst Circle, #104, Beachwood, Ohio 44122-7567	Citizenship	U.S.A

Banner & Witcoff Ref. No.

03659.00009

Power of Attorney

And I hereby appoint, both jointly and severally, as my attorneys, all Banner & Witcoff, Ltd. attorneys indicated therein under PTO Customer Number #22907, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office.

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Signature	<u>Mark J. Cooper</u>	Date	<u>10/17/01</u>
Full Name of First Inventor	Cooper	Mark	L
Family Name		First Given Name	
Residence	<u>Moreland Hills, OH</u>	Citizenship	<u>U.S.A.</u>
Post Office Address	<u>8 Cableknoll Lane, Moreland Hills, Ohio 44022</u>		

Signature	<u>[Signature]</u>	Date	<u>10/19/01</u>
Full Name of Second Inventor	Pasumarty	Murali	K.
Family Name		First Given Name	
Residence	<u>Twinsburg, OH</u>	Citizenship	<u>India</u>
Post Office Address	<u>10085 Andover, Twinsburg, Ohio 44087</u>		

Signature		Date	
Full Name of Third Inventor	Kowalczyk	Tomasz	H.
Family Name		First Given Name	
Residence	<u>University Heights, OH</u>	Citizenship	<u>Poland</u>
Post Office Address	<u>2437 Eaton Road, University Heights, Ohio 44118</u>		

Signature		Date	
Full Name of Fourth Inventor	Costello	Maureen	
Family Name		First Given Name	
Residence	<u>Beachwood, OH</u>	Citizenship	<u>U.S.A.</u>
Post Office Address	<u>26945 Amherst Circle, #104, Beachwood, Ohio 44122-7567</u>		



UNITED STATES PATENT AND TRADEMARK OFFICE

SAK/MHO

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1001 G STREET, N.W.
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PAPER NO. 7

DEC 06 2001

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BANNER & WITCOFF LTD.

DEC 03 2001

In re Application of :
Mark J. Cooper et al. :
Application No. 09/867,693 :
Filed: May 31, 2001 :
For: LYOPHILIZABLE AND ENHANCED :
COMPACTED NUCLEIC ACIDS :

OFFICE OF PETITIONS

: DECISION GRANTING
: STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed November 13, 2001.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (703) 306-5684.

This application is being forwarded to Technology Center 1600.

Frances Hicks
Frances Hicks

Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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Paper No. 8

MAUREEN COSTELLO
102 NORTH MANSFIELD AVENUE
MARGATE CITY, NJ 08402

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DEC 03 2001

In re Application of
Mark J. Cooper; Murali K. Pasumarthy; Tomasz H. Kowalczyk; Maureen Costello **OFFICE OF PETITIONS**
Application No. 09/867,693
Filed: May 31, 2001
For: LYOPHILIZABLE AND ENHANCED COMPACTED NUCLEIC ACIDS

Dear Dr. Costello:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (703) 306-5684. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Frances Hicks
Frances Hicks

Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

Banner & Witcoff, Ltd.
1001 G Street, NW
Washington, DC 20001